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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/780,320

02/17/2004

Jack E. Caveney

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PANDUIT CORP.  
LEGAL DEPARTMENT - TP12  
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EXAMINER

HANSEN, JAMES ORVILLE

ART UNIT

PAPER NUMBER

3637

MAIL DATE

DELIVERY MODE

07/22/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/780,320	<b>Applicant(s)</b> CAVENEY ET AL.	
	<b>Examiner</b> James O. Hansen	<b>Art Unit</b> 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 25 is rejected under 35 U.S.C. 102(b) as being anticipated by Hansson [US Patent 5,568,362]. Hansson (figures 1-5) teaches of a wall mount cabinet (shown in fig. 2, but viewed in an inverted orientation so that the wire would enter from the top as opposed to the bottom), comprising: a rear section (13) having a top side (at 22), a bottom side (opposite of 22) and a first side (hinged side) between the top side and the bottom side, the rear section including a cutout (viewed as the cutout in 22) extending from the first side along a portion of the top side, wherein the cutout is adapted to receive a plurality of cables (18) (fig. 2 for example); and a front section (10) hingedly connected to the rear section at a pivot point immediately adjacent the cutout {it is viewed that Hansson's cutout meets the "immediately" limitation when viewing the proximity of the cutout to the hinged side with respect to the remaining structure of the cabinet}, wherein the proximity of the pivot point to the cutout inherently minimizes movement of the plurality of cables when the front section is moved between a closed and open position {as opposed to the cables being mounted on the distal side of the cabinet opposite the hinged side}.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 4, 7 & 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansson in view of Bullivant [U.S. Patent 5,765,698]. Hansson (figures 1-5) teaches of a wall mount cabinet (shown in fig. 1, but viewed as if the cabinet was inverted so as to accommodate wires coming in from the top of the cabinet as opposed to the bottom of the cabinet) comprising: a rear section (13) having a top side (at 22), a bottom side (opposite of 22) and a first side (hinged side) between the top side and the bottom side, the rear section including a cutout (viewed as the cutout along 22) extending from the first side along a portion of the top side, wherein the cutout is adapted to receive a plurality of cables (18) (fig. 2 for example); and a front section (10) hingedly connected to the rear section at a pivot point immediately adjacent the cutout {it is viewed that Hansson's cutout meets the "immediately" limitation when viewing the proximity of the cutout to the hinged side with respect to the remaining structure of the cabinet}, the front section having means (23) secured to a back edge of the front section immediately adjacent the pivot point {note "immediately" limitation comment above}, wherein the means is adapted to enclose the plurality of cables, wherein the proximity of the pivot point to the cutout and the means allow the plurality of cables to rotate about the pivot point utilizing a minimum of cable movement when the front section of the

cabinet is moved from a closed position to an open position. Hansson teaches applicant's inventive claimed cabinet structure substantially as disclosed above, but does not show the "means" as being a D-ring. Bullivant (figures 1-11) is cited as an evidence reference to show that it was known in the art to utilize a D-ring (116) on a hinged structure for the purpose of securely retaining wires/cables while the structure is pivoted. Accordingly, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify / substitute the means of Hansson for a D-ring as taught by Bullivant because this arrangement would provide Hansson with a simple yet efficient way of maintaining control over a bundle of wires as the front section is pivoted between latched and unlatched positions while preventing entanglement of the cables [Bullivant - col. 4]. As to claim 4, the cabinet further comprises a front door (12a) hingedly connected to the front, section, wherein the front door includes a transparent window (fig. 1). As to claim 7, the front section includes a patch panel (30) secured to a rail (23) mounted therein so far as broadly recited. As to claim 9, the front section includes active equipment (17, 19) secured to a rail (23) mounted therein so far as broadly recited.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hansson in view of Bullivant, and further in view of Ehrenfels [U.S. Patent 5,239,129]. The modified prior art teach applicant's inventive claimed cabinet as disclosed above, but the prior art does not show a transition duct positioned immediately adjacent the cutout. Ehrenfels (figures 1-12) is cited as an evidence reference to show that it was known in the electrical cabinet art to utilize a transition duct (65) positioned immediately adjacent

to a cutout (39) for the purpose of concealing and protecting the wires / cables located within that are supplied to a cabinet. Accordingly, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate a transition duct into the cabinet assembly of the modified prior art as taught by Ehrenfels because this arrangement would provide the modified cabinet with a means to conceal the bundle of wires leading into the cabinet [aesthetically pleasing] while protecting the wires from accidental damage since they are secured within a rigid chase.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hansson in view of Bullivant, and further in view of Neufeld [U.S. Patent 3,623,784]. The modified prior art teach applicant's inventive claimed cabinet as disclosed above, but the prior art does not show two side access panels hinged to the front section. Neufeld (figures 1-4) is cited as an evidence reference to show that it was known in the cabinet art to utilize a pair of access panels (20) as opposed to a single panel. Accordingly, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate a pair of access panels hingedly connected to the front section as opposed to one access panel because this arrangement would allow selective access to the interior of the cabinet thereby a portion of the cabinet is gained without having to expose the entire cabinet's interior. Furthermore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate an additional panel since it has been held that mere duplication of the essential working parts of a device involves only routine skill

in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.; consequently, the courts have held that mere duplication of parts has no patentable significance unless a new and unexpected result is produced. *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hansson in view of Bullivant, and further in view of Nelson et al., [U.S. Patent 6,061,966]. The modified prior art teach applicant's inventive claimed cabinet as disclosed above, but the prior art does not show a rod that maintains the front section open with respect to the rear section at about 90 degrees. Nelson (figure 17) is cited as an evidence reference to show that it was known in the electrical cabinet art to utilize a rod (302) to maintain a front section (200) open with respect to a rear section (308) at about 90 degrees for the purpose of keeping the front section in a fixed position relative to the rear section. Accordingly, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate a rod into the cabinet assembly of the modified prior art as taught by Nelson because this arrangement would provide the modified cabinet with a means to maintain the front section in a fixed 90 degree position relative to the rear section in order to allow an operator to gain unobstructed / unhindered access within the cabinet.

8. Claims 6, 8 & 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansson in view of Bullivant, and further in view of Lawrence et al., [U.S. Patent 6,504,100]. The modified prior art teach applicant's inventive claimed cabinet as disclosed above, but the prior art does not show the front section as having a slack

cable manager secured to a rail, with the rail being adjustably mounted within the front section. Lawrence (figures 1-9) is cited as an evidence reference to show that it was known in the wire management art to employ a slack cable manager (40) secured to a rail (20). Accordingly, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the manager and rail assembly of Lawrence into the cabinet assembly of the modified prior art because this arrangement would provide the modified cabinet with an additional means to securely retain bundles of wires / cables housed within the cabinet while selectively mounting the rail within the front section affords unlimited mounting configurations due to the simplistic structure of the rail {note col. 6 of Lawrence in reference to fig. 8}.

### ***Response to Arguments***

9. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. The main contention of applicant's remarks concern the newly incorporated "immediately adjacent" language; as such, the position is taken that the term "immediately" is relative in scope and may be interpreted differently depending upon the viewed orientation of the structure. The examiner has taken the position that the cutout and means for securing the cables are located immediately adjacent to the hinge means in the sense that they are aligned closest to the hinged side as opposed to the opposite distal side. The examiner understands that the cables must exhibit some "play" when the front section is moved between positions, much like applicant's device, but maybe not to a lesser degree as applicant's. The



examiner notes that as shown in fig. 5 of applicant's embodiment, when the front section is pivoted to the open position, any cables confined within ring (112) would need to be displaced a distance from the center of the ring to the center of the cutout for example. This displacement does not seem much less than would the prior arts structure and is deemed comparable. Since the hinged axis is not aligned along the ring itself, any discrete distance between the hinged axis and the cutout or retaining means may reasonably be viewed as immediately adjacent as long as they are in close proximity. Consequently, it is deemed that the prior art adequately defines over the claims on record as set forth in the above rejections.

### ***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James O. Hansen whose telephone number is 571-272-6866. The examiner can normally be reached on Monday-Friday between 8-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James O. Hansen/  
Primary Examiner, Art Unit 3637

JOH  
July 17, 2008